

As to the Double Patenting rejection, the Examiner states that “Kurtgis does not mention providing fall protection for a human load” and that “Sherwood discloses a fall prevention system 16 for preventing a human from falling.” See, Office Action 10/8/04 at page 3. Applicant, however, respectfully disagrees with the position stated by the Examiner. Applicant notes that Kurtgis (U.S. Pat. No. 6,604,712) specifically discloses providing fall protection for “human loads”. More particularly, the ‘712 Patent specifically discloses that it is an object of the invention therein to provide “fall protection for a human external load engaged in an airborne transfer, before, during, and after transfer to a structure.” (emphasis added) See, e.g. U.S. Pat. No. 6,604,712, Col. 4, lines 38 - 41. In addition, the ‘712 Patent is replete with references to providing fall protection for human loads. See, e.g. FIGS. 8 - 11 wherein the transfer of a human load from an aerial lift to a structure is depicted. In contrast, Sherwood merely discloses a fall protection system having a belt connected to a pair of lanyards. Sherwood fails to either teach or suggest a method for transferring a load in an elevated environment wherein comprehensive fall protection is provided before, during, and after the transfer process.

In view of the teachings of Kurtgis referenced above, Applicant submits that the cited reference to Sherwood is effectively non-analogous or irrelevant when viewed in the context of the disclosures of Kurtgis.

Notwithstanding the foregoing, Applicant is submitting herewith an executed Terminal Disclaimer to Obviate a Double Patenting Rejection related to Kurtgis ‘712.

As to the requirement for an executed Declaration, Applicant is filing herewith a Declaration executed by the sole inventor Michael P. Kurtgis.

Applicant believes that this filing has been fully responsive to the requirements identified by the Examiner. Accordingly, Applicant believes that this case is in immediate condition for allowance. Prompt and favorable action is respectfully requested.

Michael P. Kurtgis
Serial No. 10/619,096
Page 3 of 3

Should the Examiner have any concerns or comments, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mark D. Bowen", with a long horizontal flourish extending to the right.

Mark D. Bowen, Reg. No. 39,914
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 1900, 200 East Broward Boulevard
Fort Lauderdale, FL 33301
(954) 462-9500